



UNITED STATES  
PATENT AND  
TRADEMARK OFFICE

UNDER SECRETARY OF COMMERCE FOR INTELLECTUAL PROPERTY  
AND DIRECTOR OF THE UNITED STATES PATENT AND TRADEMARK OFFICE  
WASHINGTON, D.C. 20231  
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SEP 26 2002

BROWDY AND NEIMARK, P.L.L.C.  
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WASHINGTON DC 20001-5303

#23

In re Application of :  
David Wallach et al :  
Serial No.: 08/981,559 : PETITION DECISION  
Filed: April 13, 1998 :  
Attorney Docket No.: WALLACH=20 :

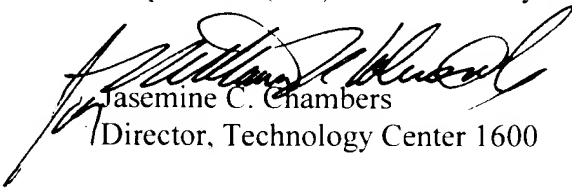
This is in response to applicants' petition under 37 CFR 1.181, filed July 8, 2002, requesting revival of the above-identified application based on a timely response to the last Office action.

A review of the file history indicates that applicants filed an RCE subsequent to the filing of a Notice of Appeal on May 4, 2001, which was accepted. The examiner mailed a non-Final Office action to applicants on July 12, 2001, setting a three month shortened statutory period for reply. Applicants replied by filing a new Notice of Appeal on October 12, 2001, as evidenced by an Office date stamped postcard receipt. Applicants filed an Appeal Brief on March 12, 2002, accompanied by a three month extension of time and fee therefor. On June 17, 2002, the examiner mailed a Notice of Abandonment to applicants indicating that no proper reply to the Office action of July 12, 2001, had been received. An examination of the file has failed to locate the originally filed Notice of Appeal. However, the evidence presented by applicants is sufficient to conclude that applicants did properly and timely reply to the Office action of July 12, 2001, by filing a Notice of Appeal and subsequent Appeal Brief. In view thereof the Notice of Abandonment was mailed in error and is hereby withdrawn and the application restored to pending status with the mailing of this decision.

Applicant's petition is **GRANTED**.

**The application will be forwarded to the examiner for further consideration.**

Should there be any questions with respect to this decision, please contact William R. Dixon, Jr., by mail addressed to Director, Technology Center 1600, Washington, D.C. 20231, or by telephone at (703) 308-3824 or by facsimile transmission at (703) 305-7230.

  
Jasemine C. Chambers  
Director, Technology Center 1600